

Docket No.: 2000P04015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/890,098 Confirmation No.: 5935
Inventor : Manfred Meinherz, et al.
Filing Date : July 27, 2001
Title : Multiphase Encapsulated High-Voltage Switchgear for Outdoor Uses
TC/AU : 2832
Examiner : Marina Fishman
Customer No. : 24131
Attention : Office of Petitions

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.137(a)

Sir:

Applicants herewith petition for revival of the above-identified application under 37 CFR 1.137(a). The facts leading to this petition are set forth below.

When assuming responsibility of the instant application (a corresponding *Notice of Acceptance of Power of Attorney* was issued by the Office on September 4, 2007), undersigned counsel learned that the application had been abandoned as of February 20, 2007 due to failure to respond to an Office action dated October 8, 2002.

The previous representative, namely the law offices of Morrison & Foerster, never received the Office action of October 8, 2002. Counsel herewith submits a *Declaration in Support of Petition under 37 CFR 1.137(a)* duly executed by Ms. Peggy Luther, the lead docket specialist at Morrison & Foerster, attesting to the aforementioned facts. Also included is supporting material such as docket records of Morrison & Foerster. However, due to the events set forth below, counsel is unable to file the required response along with the instant

08/10/2009 petition
08/10/2009 CKHLOK 00000005 121099 09890098
01 FC:1452 310.00 DA 200.00 OP

Adjustment date: 08/10/2009 CKHLOK
06/13/2008 INIEFSW 00009414 09890098
01 FC:1463 -200.00 OP

In an attempt to obtain a copy of the Office action of October 8, 2002 so as to enable counsel to file the instant petition together with the required response, counsel has made several attempts and placed numerous telephone calls with the Office as of September 27, 2007 to ultimately find out that the Office file can no longer be located. TABLE 1 is provided on a separate sheet of paper attached hereto enumerating counsel's correspondence with the Office in chronological order.

Counsel respectfully requests that the Office file be reassembled under 37 CFR 1.251 with the attached copies of the Office communication thus far received in this application. TABLE 2 is provided on a separate sheet of paper attached hereto listing all of the communication between the Office and the applicant in chronological order.

Counsel herewith certifies that the attached copies are true and complete copies of all of the correspondence between the Office and the applicant.

The petition fee in the amount of \$200.00 is enclosed herewith. Authorization is hereby given to charge counsel's deposit account No. 12-1099 of Lerner Greenberg Sterner LLP for any fee deficiency.

In view of the foregoing, counsel respectfully requests that, upon completion of the reassembly of the Office file, the application be handed to Examiner Elvin Enad, currently listed in PAIR as the Examiner in charge of this application, for issuance of an Office action setting a new period for reply.

Respectfully submitted,

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Date: June 12, 2008

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